



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** November 18, 2010

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**COUNCIL DISTRICT:** 10  
**SNI AREA:** NA

**SUBJECT: FILE NO. GP10-10-01. A GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM PUBLIC PARK AND OPEN SPACE TO MEDIUM DENSITY RESIDENTIAL (8-16 DU/AC) ON A 9.8 GROSS ACRE SITE LOCATED AT THE NORTHWEST CORNER OF BLOSSOM HILL ROAD AND SOUTHCREST WAY.**

## RECOMMENDATION

The Planning Commission voted 5-1-1 (Commissioners Cahan opposed, Platten absent) to recommend that the City Council approve the proposed General Plan Amendment to change the Land Use/Transportation Diagram designation from Public Park and Open Space to Medium Density Residential (8-16 DU/AC) on a 9.8 gross acre site located at the northwest corner of Blossom Hill Road and Southcrest Way.

## OUTCOME

Should the City Council approve the General Plan Amendment, the applicant would be able to move forward with a Planned Development Rezoning to allow for a single-family residential project on the subject site.

## BACKGROUND

On November 3, 2010, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Amendment request on the 9.8 gross acre subject site for the reasons stated in the attached staff report.

Planning staff gave a brief report stating that two additional comment letters were recently received on the Mitigated Negative Declaration for the project. None of the comments identified any new environmental impacts nor did they change the conclusion of the Initial Study/Mitigated Negative Declaration. The letter from the County of Santa Clara Parks and Recreation

Department indicated a concern in regards to the location of their easement. This site planning issue will be dealt with at the Planned Development stage of the development process. These letters are attached to this memorandum.

The applicant, Joe Head of SummerHill Homes, then spoke on the item. He spoke about how the land use change would return the site back to residential and a residential project on the site would be compatible with the existing single-family residential development to the east and west of the subject site.

There were no speakers from the public on the item.

The Commission then closed the public hearing and briefly discussed the item.

Commissioner Kline made suggestions for the upcoming zoning to avoid unnecessary use of flag lots and cul-de-sacs as those patterns might be inconsistent with the neighborhood but he hoped that traditional sprawl could be avoided by creating a trail to connect the property to the "village." Commissioner Jensen encouraged a connection to the Martial Cottle Park. Commissioner Cahan did not like getting late correspondence as there was not enough time to digest the information and for this reason Vice Chair Cahan could not support the motion. The Planning Commission then voted 5-1-1 (Cahan opposed, Platten absent) to recommend to the City Council approval of the proposed General Plan Amendment.

### ANALYSIS

For complete analysis please see the original staff report (see attached).

### EVALUATION AND FOLLOW-UP

The applicant would be required to file subsequent development permits with the Planning Division in order to implement a single-family residential project on the subject site.

### POLICY ALTERNATIVES

Not applicable.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.  
**(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a

**Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

A notice of the Planning Commission and City Council public hearings was mailed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. This staff report is also posted on the Planning division website and staff has been available to respond to questions from the public. In addition, On October 13, 2010, a community meeting was held at the Earl Frost Elementary School located on Gettysburg Drive, at which approximately 19 community members were in attendance. A majority of those at the meeting expressed that they were concerned about new cut through traffic in their neighborhood, that there are already problems getting out of the neighborhood onto Blossom Hill Road and that the project would make the existing situation worse. In addition, they noted that there is not enough street parking in the area already and the new units need more parking on site, the increase in density will not fit into the neighborhood, and that the site should be a park. These are issues more appropriately addressed in the final design of the Planned Development Zoning.

**COORDINATION**

This project was coordinated with the City Attorney's Office, Department of Transportation, Department of Public Works, Building Division, and the Fire Department.

**FISCAL/POLICY ALIGNMENT**

This amendment has been evaluated for its consistency with the San Jose 2020 General Plan as further discussed in attached staff report.

**COST SUMMARY/IMPLICATIONS**

Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

CEQA: Mitigated Negative Declaration.

/s/  
JOSEPH HORWEDEL, SECRETARY  
Planning Commission

**STAFF REPORT**  
**PLANNING COMMISSION**

**FILE NO.:** GP10-10-01

**Submitted:** March 19, 2010

**PROJECT DESCRIPTION:**

A General Plan Amendment to change the San Jose 2020 General Plan Land Use/Transportation Diagram from Public Park and Open Space to Medium Density Residential (8-16 DU/AC) on a 9.8 gross acre site.

**LOCATION:**

Northwest corner of Blossom Hill Road and Southcrest Way.

Existing General Plan	Public Park and Open Space
Proposed General Plan	Medium Density Residential (8-16 DU/AC)
Existing Zoning	Unincorporated
Council District	10
Annexation Date	NA – pending (Downer No. 11)
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	NA

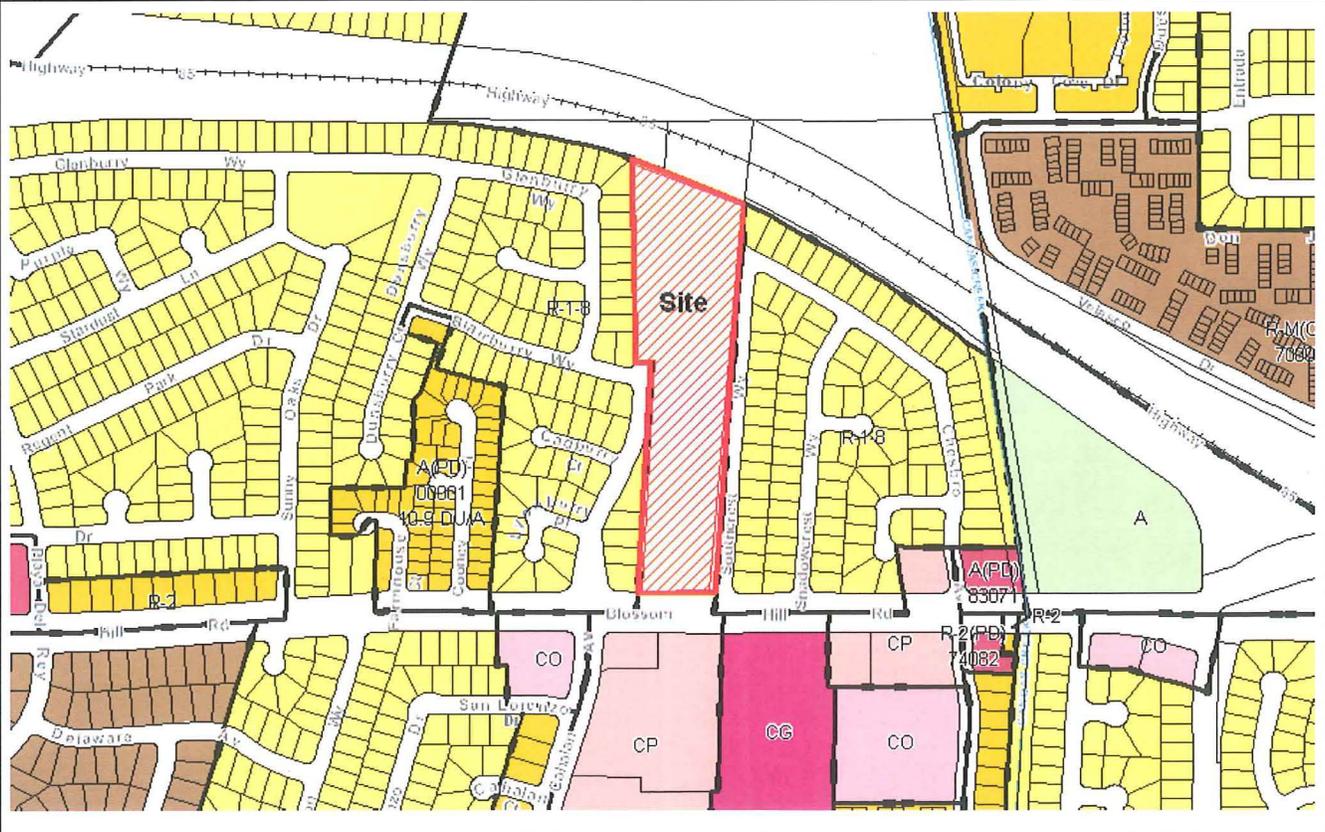
**Aerial Map**



### GENERAL PLAN



### ZONING



## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend to the City Council approval of the General Plan change on the subject site for the following reasons:

1. The proposed amendment to change the Land Use/Transportation Diagram on the subject site from Public Park and Open Space to Medium Density Residential (8-16 DU/AC) is consistent with the Major Strategies and Goals and Policies of the San Jose 2020 General Plan, most notably:
  - a. Housing Major Strategy, as the land use change will allow for residential uses on the site and maximize the infill housing opportunity in an area that is already developed and served by urban services.
  - b. Urban Conservation Policy No. 2, as the amendment would allow for residential development on the site that if built at the lower end of the allowed density range would be compatible with the adjacent single-family residential neighborhoods and will provide better vehicular and pedestrian connections with the adjacent neighborhoods.
  - c. Residential Land Use Policy No. 9, the change in land use to allow for residential development would be compatible with the character of the neighborhood.

## **BACKGROUND & DESCRIPTION**

On March 19, 2010, SummerHill Homes filed this privately initiated General Plan Amendment request to change the San José 2020 General Plan Land Use/Transportation Diagram land use designation from Public Park and Open Space to Medium Density Residential (8-16 DU/AC) on a 9.8 gross acre site located at the northwest corner of Blossom Hill Road and Southcrest Way.

An associated Planned Development Rezoning (File No. PDC10-007) and Annexation (Downer No.11) have been filed to incorporate the site into the City of San Jose and allow for the development of up to 88 single-family detached residences, which is at an approximate net density of 12.1 DU/AC. This zoning application proposes a mix of courthome lot configurations and small lot single-family detached units. This proposed zoning would be presented in a separate staff report to Planning Commission and City Council at a future date.

### **Community Meeting**

On October 13, 2010, a community meeting was held at the Earl Frost Elementary School located on Gettysburg Drive, at which approximately 19 community members were in attendance. A majority of those at the meeting expressed that they were concerned about new cut through traffic in their neighborhood, that there are already problems getting out of the neighborhood onto Blossom Hill Road and that the project would make the existing situation worse. In addition, they noted that there is not enough street parking in the area already and the new units need more parking on site, the increase in density will not fit into the neighborhood, and that the site should be a park. These are issues more appropriately addressed in the final design of the Planned Development Zoning.

### **Site and Surrounding Land Uses**

The subject site is undeveloped, relatively flat land. The land uses surrounding the site include single-family detached residences to the east and west, the elevated Highway 85 to the north and Blossom Hill Road and a shopping center (Sunrise Plaza) to the south. The Blossom Hill Light Rail Station is located about 1,900 feet from the southwest corner of the site.

## **Previous Planning Approvals**

In 1995, a General Plan Amendment, File No. GP95-10-11, was approved on the subject site to change the Land Use/Transportation Diagram land use designation from Medium Low Density Residential (8 DU/AC) and Medium Density Residential (8-16 DU/AC) to Public Park and Open Space. This land use change was at the request of the property owner who was donating the property known as the "Cottle Ranch" that is now referred to as Martial Cottle Park, to the County of Santa Clara for use as a public park.

## **Martial Cottle Park**

Martial Cottle Park will be a new park that focuses on agriculture and is located on a 287.54 acre property in South San Jose and bounded by Branham Lane, Snell Avenue, and Chynoweth Avenue. Historically the area for the park was an agricultural farm. The construction of Highway 85 severed the subject site from the aforementioned future park site. This planned park is located to the north of the subject site on the opposite side of Highway 85. The park does not include the subject site and was not part of the acreage donated to Santa Clara County for the said park.

The park is in the planning stages of development. It will be jointly owned by California State Parks and Santa Clara County Parks and operated by the county. Currently the State and County are working together to prepare a Master Plan for the future development of the Martial Cottle Park. The Draft Environmental Impact Report (EIR) has been completed and is in the 45 day public review period that started on September 8, 2010 and ends on October 22, 2010.

## **ANALYSIS**

The proposed General Plan amendment was analyzed with respect to: 1) appropriateness of the requested land use designations, 2) conformance with the San Jose 2020 General Plan Goals and Policies, and 3) conformance with the California Environmental Quality Act (CEQA).

## **Land Use Designations**

The site's existing Public Park and Open Space land use designation is generally applied to lands which are publicly owned, though in some instances public access may be restricted. These lands are devoted to open space use for the most part, although some development, such as restrooms, playgrounds, educational/visitor's centers, and parking areas, is an inherent part of many of the properties so designated. It is intended that this designation be applied only to lands owned by public agencies or programmed for acquisition, although facilities and activities developed and operated wholly or partially by concessionaires and other private entities are also considered appropriate under this designation. This designation can also be applied to privately owned property that is potentially suitable for park development and for which there is a high likelihood that a funding source will be identified to allow the City to purchase the property. As previously stated, the subject site is not a part of the planned Martial Cottle Park nor is it owned by a public agency. It is an infill site that is located between two disconnected single-family detached residential neighborhoods built at 8 to 10 dwelling units per acre.

The proposed Medium Density Residential (8-16 DU/AC) land use supports a variety of housing types including single-family detached, courthome, duplex, townhome, and apartment units, all of which are subject to overall density limits. This designation is generally located on the edges of single-family neighborhoods and other infill sites. In some cases, it has been planned as a transition between higher intensity uses (e.g., shopping centers or apartment complexes) and single-family neighborhoods. Sites with this land use designation that are located in Transit-Oriented Development Corridors or along arterials containing major bus routes should be developed at the high end of the density range to support these transit facilities. Although the site is located along Blossom Hill Road, which has major bus routes and a Light Rail station, the lower end of the density range is more appropriate given the density of both adjacent neighborhoods. The proposed land use designation would allow the opportunity to provide development on the site consistent with the existing development on either side of the site.

### **General Plan Goals and Policies**

The proposed land use change from Public Park and Open Space to Medium Density Residential (8-16 DU/AC) on the subject site is consistent with the following General Plan Goals and Policies as discussed in the following:

1. Growth Management Major Strategy: The purpose of a growth management strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service.

*The proposed change to allow for residential uses at a density of 8 to 16 dwelling units per acre on the site will facilitate infill development within an urbanized area on an underutilized property at a density compatible with the existing surrounding development.*

2. Housing Major Strategy: This strategy seeks to maximize housing opportunities on infill parcels already served by the City and to consider the addition of new residential lands only when the City is confident that urban services can be provided.

*The proposed change in land use to allow for residential uses on the site will maximize the infill housing opportunity in an area that is already developed and served by urban services.*

3. Urban Conservation Policy No. 2: The City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.

*The proposed amendment would allow for residential development on the site that if built at the lower end of the allowed density range would be compatible with the single-family residential neighborhoods located on either side of the site. Development of the site would eliminate a vacant and unused lot that separates these two (2) neighborhoods and will likely provide vehicular and pedestrian connections between the two, thereby providing safe and convenient neighborhood street access to the Playa Del Rey public park for those neighbors to the east.*

4. Neighborhood Identity Policy No. 3: Public and private development should be designed to improve the character of existing neighborhoods. Factors that cause instability or create urban barriers should be discouraged or removed.

*The character of the existing neighborhood is approximately 3,000 to 7,000 square foot lots with one (1) and two (2) story single-family detached homes. The subject site, given its size, is underutilized as unused former agricultural land that is sandwiched between two (2) single-family detached residential developments. A single-family development on the subject site could continue the development pattern and connect two existing neighborhoods.*

5. Residential Land Use Policy No. 9: When changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by

law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.

*The proposed amendment, if built at the lower end of the allowed density range, would continue single-family detached development that is compatible with the existing character of the area. The subsequent Planned Development Rezoning will afford the opportunity to extend public streets and connect the existing adjacent neighborhoods together with the subject site. This will foster better neighborhood connectivity and neighborhood identity, rather than create a new isolated development, as well as provide alternative access points to the major arterial, Blossom Hill Road, for both neighborhoods.*

6. Residential Land Use Policy No. 24: New residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development, the adjoining neighborhood, transit access points, and nearby commercial areas.

*A residential development on the subject site could provide safe and convenient neighborhood street and pedestrian access to the Playa Del Rey public park for the one disconnected neighborhood, as well as provide alternative access points to the major arterial, Blossom Hill Road, for both neighborhoods. Blossom Hill Road connects the neighborhoods to commercial shopping, and bus and light rail transit.*

## **Environmental Review**

A Mitigated Negative Declaration (MND) was circulated for public review on October 14, 2010 and ends circulation on November 3, 2010. The MND states that the proposed General Plan Amendment will not have a significant effect on the environment. The entire MND and Initial Study are available for review on the Planning web site at: [www.sanjoseca.gov/planning/eir/MND.asp](http://www.sanjoseca.gov/planning/eir/MND.asp)

## **Conclusion**

The subject General Plan amendment request is consistent with the San Jose 2020 General Plan and its Major Strategies, as well as, its Goals and Policies. If the residential development is built at the lower end of the allowed density range, as proposed with the pending Planned Development Zoning (File no. PDC10-007), the land use change would provide an opportunity for compatibility with the adjacent neighborhoods in terms of density, and will improve linkages and connectivity for the overall area.

## **PUBLIC OUTREACH/INTEREST**

In addition to the community meeting held on October 13, 2010, the property owners and occupants within a 1,000-foot radius were sent public hearing notices for the Planning Commission and City Council hearings. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

## **General Correspondence**

Three e-mails were received in regards to the proposed land use change and rezoning on the site (see attached). The letters discussed concerns regarding the existing transportation conditions in the neighborhood and how the project would add to the problem, it is thought the site was to be a park, and that there were too many homes proposed on the site.

**Tribal Consultation**

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives. To date, no comments from tribal representatives on the subject General Plan amendment request have been received.

<b>Owner/Applicant:</b>		<b>Attachments:</b>
<b>Owner:</b> Walter Lester 5285 Snell Avenue San Jose, CA 95136	<b>Applicant:</b> SummerHill Homes 777 California Avenue Palo Alto, CA 94304	Neighbor Correspondence

**Project Manager:** Lesley Xavier

**Approved by:**



**Date:** 10/22/10

**Xavier, Lesley**

**From:** janell sanchez [janellsanchez@sbcglobal.net]  
**Sent:** Saturday, October 09, 2010 9:28 AM  
**To:** Xavier, Lesley; vcantore@shhomes.com  
**Cc:** jsbs697@sbcglobal.net; jsanchez@optoelectronix.com  
**Subject:** Re: General Plan Amendment to change the San Jose 2020 General Plan Land Use to Prezone and annex 9.4 acres of 90 single family detached residential units.

Hello Lesley,

Thank you for taking the time to answer my email. Personally, I am extremely upset about this new housing development. The City of San Jose does not even take care of the exciting neighborhood streets, street lights, the terrible horrible looks of Hyw 85 behind our houses. We have all been very fortunate in our small neighborhood that we have tried our best to keep it looking decent despite the lack of help from the City. We do realize the money issues, but that is just an excuse and a very poor excuse I might add.

I love this area, it is close to the light rail, all the freeways and shopping. We can walk to all of these areas. Our housing market has remarkably been able to keep its pricing up, but with 90 ugly 2 story single attached homes and I am quite sure these will be low cost housing I am really concerned.

You should take the time some day and drive through our neighborhoods on both sides and more importantly think how we will look like a trapped prison with these additional houses being built. We already have 85 as a great wall with no view. I'd love to meet with you and even participate on this project in some positive way rather than the negativity I have right now.

We have a beautiful park being built on Bernal and Brahmam, why wasn't this property considered for use such as this. The only scary part about this is you just have no idea how many people we have living homeless under the overpasses of 85 and around 85 and 87 and these people track through blossom hill road. I'm sure this new neighborhood will have more than their share of these people coming and going within their streets. We as home owners have our own watch over here because the San Jose Police department just doesn't have the manpower.

Thank you again for listening and more importantly for answering my email about my concerns. I look forward to meeting you at the meeting.

Sincerely,  
Janell Hall-Sanchez

**From:** "Xavier, Lesley" <Lesley.Xavier@sanjoseca.gov>  
**To:** janell sanchez <janellsanchez@sbcglobal.net>; vcantore@shhomes.com  
**Cc:** jsbs697@sbcglobal.net  
**Sent:** Fri, October 8, 2010 12:00:05 PM  
**Subject:** RE: General Plan Amendment to change the San Jose 2020 General Plan Land Use to Prezone and annex 9.4 acres of 90 single family detached residential units.

Thank you for your comments. I am working with our Public Works and Transportation Departments on the answers to your questions. I will send you a return email if I have them ready before the community meeting. Otherwise we will be prepared to answer the questions at that meeting.

10/18/2010

Thanks again.

*Lesley Xavier*

Lesley Xavier, Planner II  
Planning Division  
Planning, Building and Code Enforcement  
City of San José  
200 E. Santa Clara Street, 3rd Flr, Tower  
San Jose, CA 95113  
Tel: (408) 535-7852 FAX: (408) 292-6055

If you need basic information regarding a property's zoning and land use, or information about our environmental clearance requirements please go to our webiste at:

<http://www.sanjoseca.gov/planning/counter/Are-You-New-to-Our-Website.pdf>

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[www.sanjoseca.gov/development/subscription/email\\_updates.asp](http://www.sanjoseca.gov/development/subscription/email_updates.asp).

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**From:** janell sanchez [mailto:janellsanchez@sbcglobal.net]  
**Sent:** Wednesday, October 06, 2010 10:49 AM  
**To:** Xavier, Lesley; vcantore@shhomes.com  
**Cc:** Janell; jsbs697@sbcglobal.net  
**Subject:** General Plan Amendment to change the San Jose 2020 General Plan Land Use to Prezone and annex 9.4 acres of 90 single family detached residential units.

Dear Ms. Xavier,

First of all, I am shocked there will be close to 90 units of single-family detached residential units built on the 9.4 acre lot next to our small neighborhood. I will be attending the meetings, but I would like to ask; besides yourself who else in authority of the City of San Jose will be at this meeting that can give us answers to our questions. Not people from Summer Homes, but people from the City of San Jose .

Some of the questions and concerns I will be asking and would like to have you be prepared to answer are the following questions and this is only the start. I plan to go door to door to my entire neighborhood.

1. We live behind Hwy 85 which I already every year have to call and ask to have the weeds mowed down to prevent fires. I am so happy to have a contact whom each and every year all I have to do is send out my yearly email in June tell them it's me and the next day they are out there cutting down the weeds. I even asked why we can't have some kind of trees planted back there, I was told there was no water system put in. I laughed read item 10, who do I contact about my flooded backyard when it rains every year????????????????
2. We do NOT want extra traffic from Blossom Hill road coming down through Chesbro to get to these Homes, we have enough problems with the 7/11 at the top of the street and the gas station stopping traffic when you try to get down our street. In addition to all the Bridge people who walk through the neighborhood to get to the 7/11. How about just closing Chesbro on the

7/11 side where no traffic can go down the street, that would clear up all the uture, the traffic congestion and line of cars waiting for the light at Chesbro which is the longest light there is to change colors on Blossom Hill Road. It is a nightmare.

3. Our streets are in the worse shape I have ever seen. I have lived here for 13 years and know of 3 times the water district has had to come out for major repairs when the main water line has broken, it is clear in the road.
4. The road is sinking in the center of Chesbro Avenue
5. We have more cars parked on Chesbro than I have ever seen in 13 years. Personally, our house is the only one where there is only one. Our cars are in the garage or in our driveway.
6. The road on Chesbro Avenue on the edges has pot hold of unbelievable size and are never repaired.
7. The road was in the worse shape ever after the fiber optic lines were laid, I don't think your city Engineers know what the meaning of level is
8. We have man hole covers which became so high within this small neighbor hood, it became a hazard to drive a car, let alone a child ride their bicycles. It was easily 3-4 inches above the road. This is starting to rise again.
9. There is a sink hole in front of my house which gets deeper and deeper every year! Some day I am going to get out of my car to check my mailbox and fall into that hole and when I do, I will immediately sue the city of San Jose .
10. My back backyard completely floods when it rains because of the poor drainage or lack or drainage done when Hwy 85 was constructed. I don't know of other neighbors, but my backyard looks like a pool was installed.

How can you even think of having new homes built when you cannot even maintain the roads or the neighbor hood needs of those of us who have lived here for years. I am in great hope you take a look a look at the big picture. I for one will may not be able to stop the building of these homes, but I can certainly start to flood the city with petitions of how dangerous it is to live in our neighborhood.

Lastly, will these be low cost housing which will bring our home values down. We were fortunate enough not to lose much value when all the other homes around us lost so much money. Many of us are original and long term owners. We put up with homes which are half way houses and don't complain, but this has made me absolutely furious. We have people who cannot even afford homes right now, they are filing bankruptcy or walking away from their homes.

You call this good planning? Remember this is an election year and this state is already in plenty of trouble and the people of California are plenty mad. This proposal would be just the last straw for me to sell my house and move out of San Jose . it may not mean much to you or those you report too. But, I am hoping you have the courtesy to at least answer me back before the meeting.

I am plenty mad and have had enough.

Sincerely,  
Janell Hall-Sanchez  
5476 Chesbro Avenu  
San Jose , CA 95123

**Xavier, Lesley**

**From:** G Khadder [khadder@hotmail.com]  
**Sent:** Wednesday, June 09, 2010 2:42 PM  
**To:** Xavier, Lesley  
**Subject:** About GP10-10-01/PDC10-007 - Lester Project

Hello,

I live few houses down from the proposed project referenced as "GP10-10-01/PDC10-007 - Lester Project" by Blossom Hill Rd.

Are there any accessible links online that give more information about the project?

I am particularly interested in the traffic impact. The proposal calls for 86 units which translate approx to around 300 individuals and around 150 cars yet there are only two main road ways into the proposed area which are Cahalan Ave and Southcrest Way. Cahalan Ave is already busy since it is the main entrance to the current large track home area.

Will an additional road open up between Cahalan and Southcrest from Blossom Hill Rd?

Will Cahalan Ave be extended parallel to Glenburry Way?

Will Cahalan Ave be extended further north of HW87? I am referring to making use of that HW87 overpass which is not in use today. I am aware of the huge Lester land disposition north of HW87 which will be developed into a county park but I do not know if Cahalan Ave will be extended to run through that area.

It would be helpful if there is an online diagram that shows which roads will be added and/or extended.

At one point in the past, the residents were told that the land will be developed as a park. What is the current official zoning for this piece of land?

Regards,

Khadder

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## Xavier, Lesley

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**From:** Michael Mclean [michael@mcleancs.com]  
**Sent:** Thursday, June 03, 2010 1:19 PM  
**To:** Xavier, Lesley  
**Subject:** Fwd: RE: Minutes from Playa Del rey Neighborhor 5/19/10 Meeting-

Hi Lesley,

I had submitted my comments regarding the Summerhill project to you yesterday evening. I would like to ask that someone from your office attend a monthly meeting that our neighborhood hosts each month.

This would be in regards to the below comments & details provided by Vince Cantore of Summerhill homes. The developer has already attended a meeting, so I thought it fitting for SJ planning to actively seek comment.

Thanks & please advise  
Michael McLean

----- Forwarded message from michael@mcleancs.com -----

Date: Thu, 03 Jun 2010 12:58:05 -0700  
From: Michael Mclean <michael@mcleancs.com>  
Reply-To: Michael Mclean <michael@mcleancs.com>  
Subject: RE: Minutes from Playa Del rey Neighborhor 5/19/10 Meeting-  
To: "Cantore, Vince" <VCantore@shhomes.com>

Thanks for the response Vince. I was under the impression that the property was owned by the city or packaged in with the Martial Cottle project. I was also under the impression that Walter Lester died many years ago, but I guess I was mistaken.

I think that it would be safe to say the city will allow you to increase their tax revenue. I completely understand that your firm knows how to leverage the system & grease the wheels. You may even want to post some "American Re-Investment & Recovery Act" signage, so my neighbors will have no issue with the project. They may even think that it will benefit them & the city's growth focus for 2020 & beyond or so we all hear in the city council banter about growth.

My honest opinion of 86 homes on 8 acres is not good. However, most developers build the no backyard, no front yard, on-top of my neighbor homes these days. It makes the most business sense, right?

Thanks Again!  
Mike

Quoting "Cantore, Vince" <VCantore@shhomes.com>:

> Michael,

>

> For clarification, we are not in contract with the City, we are in  
> contract with Mr. Lester. The City's underlying General Plan  
> designation on the property is Public Park/Open Space. We have an  
> application on file to change the City's General Plan to permit  
> residential uses on the property. It is not a foregone conclusion  
> that the City will approve this request. City of San Jose Planning  
> staff is in the process of providing initial comments on our  
> application. Leslie Xavier is the appropriate person at the City to  
> speak with since she's the project manager in the Planning  
> Department managing the project.

>

> Thanks,

>

> Vince

>

> Vince Cantore

> SummerHill Homes

> (925) 244-7532 office

> (650) 815-8239 cell

>

>

> -----Original Message-----

> From: Michael Mclean [mailto:michael@mcleancs.com]

> Sent: Thursday, June 03, 2010 11:27 AM

> To: Cantore, Vince

> Subject: RE: Minutes from Playa Del rey Neighborhor 5/19/10 Meeting-

>

> Hi Vince,

>

> Thanks for your response. I also contacted Nancy Pyle to discuss the  
> Summerhill proposal. I would like to research the time-line & formal  
> process taken to secure the contract with the city. I know that the  
> permit request was filed in March. However, I don't believe our  
> District 10 council member provided any communication with the  
> impacted residents. Honestly, your meet & greet (Playa Del Rey  
> Meeting) & the sign were the 1st I had heard of the project. I was  
> under the impression that the 8 acres were included in Mr. Lesters  
> dedication to the city & the request by your firm was to change that  
> original dedication of property. If you are in direct contract with  
> the Lester family, then I will step aside. If the city is planning on

> selling you property that was originally dedicated as park land, then  
> the city should do a better job of communicating.

>

> I will wait to hear back from Nancy & the city planner Ms. Xavier. I  
> really appreciate your willingness to discuss. Hopefully, this is not  
> a done deal & our local representatives will offer continued  
> communication. Let me touch base with the city 1st to gather more  
> information, so we can discuss. I know there has been a good amount  
> of lobbying taking place in San Jose now that they are in need of  
> financial resources.

>

> Please excuse my direct candidness. I do not mean to be harsh, rather  
> just would like to be informed when a developer wants to impact my  
> neighborhood.

>

> Thanks

> Mike

>

> Quoting "Cantore, Vince" <VCantore@shhomes.com>:

>

>> Michael,

>>

>> Thanks for the message and questions. As you may know, Walter Lester  
>> dedicated the property located north of Hwy 85 (roughly 250  
>> Ac) to the County and the State for development as a park. The  
>> County is currently working on the Environmental Impact Report for  
>> that property and would be implementing development plans for Martial  
>> Cottle park over the next few years. The site that we have under  
>> contract is Mr. Lester's roughly 8 acre property south of 85 (where  
>> you noticed the development proposal signs). The City does not have  
>> a strong interest developing this site as a park due to the existing  
>> (Playa Del Rey Park) and future (Martial Cottle Park) facilities  
>> located in the immediate area.

>>

>> I'd be more than happy to meet with you for a few minutes either over  
>> coffee or at the site to discuss our proposal and walk you through  
>> the current site plan as well as to discuss our experience relative  
>> to the positive market impact of our projects on surrounding  
>> neighborhoods. We are in the early stages of working on the project  
>> and would appreciate discussing your concerns with you in more  
>> detail.

>>

>> Let me know some times that you'd be available to meet next week.

>>

>> Thanks,  
>>  
>> Vince  
>>  
>> Vince Cantore  
>> SummerHill Homes  
>> (925) 244-7532 office  
>> (650) 815-8239 cell  
>>  
>> From: Michael McLean [mailto:michael@mcleancs.com]  
>> Sent: Wednesday, June 02, 2010 7:16 PM  
>> To: Cantore, Vince  
>> Subject: FW: Minutes from Playa Del rey Neighborhor 5/19/10 Meeting-  
>>  
>> Hi Vince,  
>>  
>> I was provided with your information by my neighbors regarding the  
>> land on Blossom Hill & Cahalan Ave. I was under the impression that  
>> the city was provided with this land in hopes that it would become a  
>> park. I noticed a sign posted & a permit filed back in March for  
>> comment to change the land use.  
>>  
>> My concern is the current surplus in homes that San Jose currently  
>> has & the reasoning behind building more. If the value of the homes  
>> in my neighborhood are already below \$700K for 2000 square feet, how  
>> would your homes sell for that @ less square footage? I only ask  
>> because I am sure the city will allow you to create more tax revenue  
>> for them & build your homes. However, I am concerned that the  
>> project will include 86 homes on only 8+ acres of land.  
>>  
>> Thanks & please advise  
>> Michael McLean  
>>  
>> \_\_\_\_\_  
>> From: dbblomquist9@aol.com [mailto:dbblomquist9@aol.com]  
>> Sent: Monday, May 24, 2010 1:45 PM  
>> To: michael@mcleancs.com  
>> Subject: Re: Minutes from Playa Del rey Neighborhor 5/19/10 Meeting-  
>>  
>> Hi Mike,  
>> Here is the contact information you were asking for:  
>> SummerHill Homes  
>> 777 California Ave.,  
>> Palo Alto,94304



>>> they are > surveying the types of trees we have in our neighborhood  
>>> for the > city of San Jose . They are a non-profit organization, and  
>>> if you > need to plant a city tree in front of your house, you can  
>>> get one > from Our City Forest for FREE. Their web site is: >  
>>> [www.ourcityforest.org](http://www.ourcityforest.org)<<http://www.ourcityforest.org/>>

>>>

>>> There were (3) representatives from SummerHill Homes who came to our  
>>> > Playa Del Rey Neighborhood Association meeting. Mr. Bob Hencken, >  
>>> his assistance, Mr. Vince Cantore, and SummerHill Land President, >  
>>> Mr. Joe M. Head.

>>>

>>> Bob and Vince presented a preliminary drawing of the new homes to be  
>>> > developed on the property near Cahalan Ave. and Blossom Hill Road  
>>> . > Eighty-six (86) two-story detached single family homes are  
>>> planned > to be built on 8.3 acres of land. Each lot will be  
>>> approximately > 3,000 sq. ft. and each house is around 1,400 to  
>>> 1,800 sq. ft. Price > range around \$700,000.

>>>

>>> Many neighbors brought out concerns regarding traffic, noise, dust,  
>>> > our neighborhood Playa Del Rey Park, and especially from the >  
>>> neighbors who live right next to the new homes on Cahalan Ave.

>>>

>>> Bob & Vince assured us that nothing is set in stone yet. This is a  
>>> > just preliminary plan that's being submitted to the City of San  
>>> Jose > . They want our neighborhood to be involved in their  
>>> development > project, and they are more than happy to keep us  
>>> informed on all our > concerns by attending our future meetings.

>>>

>>> Our next month meeting is Wednesday 6/16/2010. Our neighborhood >  
>>> association is FREE and everyone is welcome. Check out our >  
>>> neighborhood web site and join our Yahoo group at: >  
>>> <http://groups.yahoo.com/group/playadelrey>

>>>

>>> Have a wonderful day! Aloha

>>>

>>> Roberta

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

6.a.



Santa Clara Valley Audubon Society  
Founded 1926

September 20<sup>th</sup> 2010

Mr. John Davidson,  
Ms. Leslie Xavier  
Department of Planning, Building and Code Enforcement  
City of San Jose  
Re: City File No. GP-10-10-1, PDC10-007, & DOWNER No.11  
Lands of Lester Project

Dear Mr. Davidson,

Please review Santa Clara Valley Audubon Society (SCVAS) comments for the Initial Study and intent to adopt a Mitigated negative declaration (MND) on the proposed 1) amendment to the City of San Jose to the General Plan Land Use / Transportation diagram from Public Park and Open Space to Medium Density Residential and 2) the planned Development Rezoning from unincorporated Santa Clara county land to Planned Development in order to allow residential development. The land in its current state has ruderal vegetation and thus can provide foraging grounds for the Western Burrowing Owl, a CA Species of Special Concern.

SCVAS has more than 2000 members in the city of San Jose and close to 5000 members in Santa Clara County. **We request that the Initial Study and the MND address and mitigate the environmental impacts of the permanent loss of potential Burrowing Owl nesting and foraging grounds on the Lands of Lester project site.**

We believe we can fairly argue, based on substantial evidence, in light of the whole record, that this project may have a significant environmental effect on a California Species of Special Concern. Further, we argue that ANY impact on the Burrowing Owl (BUOW) population of San Jose will contribute substantially to cumulative effects on the population of BUOW in Santa Clara Valley and the Bay Area as a whole. Under the current dire circumstances this project may substantially reduce numbers or restrict range of a rare, threatened, or endangered species.

The MND must properly analyze and mitigate the impacts to the loss of potential Burrowing Owl habitat. In the Analysis, please provide answers and mitigation to the following questions and issues:

1. The California Department of Fish and Game is currently finalizing new guidelines for Burrowing Owl conservations. The new guidelines (2008 Draft Guidance for Burrowing Owl Conservation) state, "Projects impacting owls and owl habitat should mitigate all project-specific

*p. 1 of 2*

22221 McClellan Road, Cupertino, CA 95014 Phone: (408) 252-3748 \* Fax: (408) 252-2850  
email: [scvas@scvas.org](mailto:scvas@scvas.org) \* [www.scvas.org](http://www.scvas.org)

and cumulative impacts to nesting, foraging, wintering, dispersal, and migration habitat (i.e., breeding and non-breeding season) under CEQA, to below a level of significance. The standard of 6.5 acres will no longer be used because it does not adequately compensate for habitat loss.” Please provide adequate mitigation in Santa Clara County to compensate for the loss of habitat at the site.

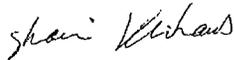
2. Santa Clara County is currently in the 4th year of a five-year Habitat Conservation Plan planning process. Included in this plan is the conservation strategy for Western Burrowing Owls. Please describe how your project is working in concert with this overall Santa Clara County effort.

3. If adequate mitigation is not feasible, then a full EIR must be prepared for this project.

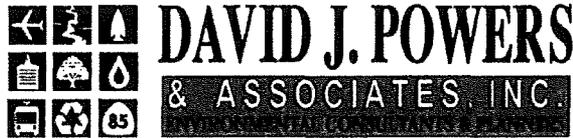
### CONCLUSION

Thank you for the opportunity to provide scoping comments for this proposed project. Please keep SCVAS informed of the progress of this proposal and any additional projects that may have an impact on Burrowing Owls and other wildlife species. We look forward to remaining engaged on this vital issue.

Sincerely,



Shani Kleinhaus, Ph.D.  
Environmental Advocate  
Santa Clara Valley Audubon Society  
22221 McClellan Rd.  
Cupertino, CA 95014  
[shani@scvas.org](mailto:shani@scvas.org)



November 1, 2010

Lesley Xavier  
Planner II  
Department of Planning, Building, and Code Enforcement  
City of San José  
200 East Santa Clara Street  
3<sup>rd</sup> Floor, Tower  
San José, CA 95113

**RE: Lands of Lester – Responses to Comments from the County of Santa Clara Parks and Recreational Department Letter dated October 28, 2010.**

**Sent via email:** [Lesley.Xavier@sanjoseca.gov](mailto:Lesley.Xavier@sanjoseca.gov)

Dear Ms. Xavier:

The City of San José has requested that David J. Powers & Associates (DJP&A) review and respond to the comment letter from the County of Santa Clara Parks and Recreation Department dated October 28, 2010 regarding the Initial Study/Mitigated Negative Declaration (IS/MND) for the Lands of Lester Project (file nos. GP10-10-01 and PDC10-007).

The County's letter included environmental questions, which are briefly summarized and responded to below.

1. **Biological Resources, Section 4.4.2.2 Ordinance Size Trees (page 45)** – The City should specify a requirement that a certain percentage of tree replacements be native if non-native tree species were being removed as a result of the project.

**Response:** As summarized in Table 3 on page 39 of the Initial Study, there are seven native trees and five non-native trees on-site. The tree replacement ratios identified in Table 4 on page 45 of the Initial Study are the City's standard replacement ratios based on the size – not the species – of the tree to be removed. The removal of the 12 on-site trees is not considered a significant impact. The City Council, however, can stipulate a native/non-native tree replacement ratio as a condition of approval.

2. **Cultural Resources, Section 4.5.1.1 Prehistoric and Historic Archaeological Resources (page 48)** – The archaeological site referenced in the IS/MND (Scl-295) should be referenced as "CA-SCL-295."

**Response:** This comment is acknowledged.



David J. Powers & Associates, Inc. is a Certified Green Business  
1871 The Alameda • Suite 200 • San José, CA 95126  
Tel: 408-248-3500 • Fax: 408-248-9641 • [www.davidjpowers.com](http://www.davidjpowers.com)

3. **Greenhouse Gas Emissions, Section 4.7.2.1 Measures to Reduce Greenhouse Gas Emissions (page 60)** – The IS/MND should include other measures such as the use of local building materials when feasible, recycle at least 50 percent of construction waste, and install other water saving devices such as low flow toilets and faucets to reduce greenhouse gas emissions.

**Response:** As discussed in 4.7.2.1 of the Initial Study, the project is required to achieve GreenPoint Rated 50 points or LEED Certified. The project could incorporate the measures suggested in the above comment to meet the required rating. The City Council could consider the above suggested measures as conditions of project approval.

4. **Greenhouse Gas Emissions, Section 4.7.2.1 Estimated Generated Greenhouse Gas Emissions (page 61)** – Delete the word “reduce” in the following sentence: “the following best management practices outlined in Section 4.3 Air Quality are proposed to reduce the project’s reduce air quality impacts, as well as greenhouse gas emissions, during construction.”

**Response:** Comment acknowledged.

5. **Public Services, Section 4.14.1.6 Parks (page 106)** – The Martial Cottle Park is state-owned and County-owned and is 287.54 acres in size. The IS/MND should describe the easement and future neighborhood access to and from the project site. It should be clarified that the current land entitlement (County’s easement) would prevent implementation of any construction activity within the easement area.

**Response:** The information in the above comment is acknowledged. The current land entitlement (County’s easement) would prevent implementation of any construction activity within the easement area.

6. **Parks, Section 4.14.2.4 Parks (page 108)** – There is a recorded easement on APN 464-22-030 which would allow for future pedestrian/bicycle access from the future Martial Cottle Park to surrounding neighborhoods.

**Response:** Comment acknowledged.

7. **Recreation, Section 4.15.2 Environmental Checklist and Discussion of Impacts (page 111)** – The IS/MND does not discuss the recreational impacts to Martial Cottle Park with alternate means of fulfilling this easement obligation.

**Response:** The project proposes to relocate the existing easement on APN 464-22-030 to APN 464-44-057. The proposed realignment would not impede access from Martial Cottle to the project neighborhood (i.e., the realignment would still provide for access from Martial Cottle Park through the project site to a public neighborhood street), nor would the proposed realignment impede construction and location of improvements planned for the easement (e.g., bicycle/pedestrian access to Martial Cottle Park, and ancillary park improvements such as an information kiosk, restrooms, waste collection, or drinking fountains).

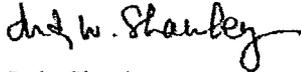


The County's letter also included non-environmental comments, including comments on the level of communication with the County regarding the relocation of the existing park easement and the process in which the project would fulfill the legal obligation related to the easement on the property. These comments are not environmental comments/questions and therefore, are not responded to in this letter.

The County's comment letter did not raise any new or more significant environmental impacts than already identified in the Initial Study.

Please contact me or Kristy Weis if you have any questions.

Sincerely,



Judy Shanley  
President



**David J. Powers & Associates, Inc. is a Certified Green Business**  
1871 The Alameda • Suite 200 • San José, CA 95126  
Tel: 408-248-3500 • Fax: 408-248-9641 • [www.davidjpowers.com](http://www.davidjpowers.com)

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201

[www.parkhere.org](http://www.parkhere.org)



October 28, 2010

Leslie Xavier, Planner II  
Planning Division  
Planning, Building and Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 3<sup>rd</sup> Floor, Tower  
San Jose, CA 95113

**SUBJECT: Initial Study/ Mitigated Negative Declaration (IS/MND) for Summer Hill Homes Development Project (GP10-10-01, PDC10-007, and Downer No. 11)**

Dear Ms Xavier:

The County of Santa Clara Parks and Recreation Department ("County Parks Department") is in receipt of an Initial Study/ Mitigated Negative Declaration (IS/MND) for the Summer Hill Homes Development project which includes a two-lot subdivision, annexation into the City of San Jose, a rezone to A(PD) zoning and a general plan amendment to the Medium Density Residential land use designation.

The County Parks Department's concerns are primarily focused on potential impacts related to:

- Martial Cottle Park, a State-owned and County-owned property located within close proximity to the proposed development;
- Recorded perpetual non-exclusive easement on the subject property which the property owner, Mr. Walter Cottle Lester, granted to the County for neighborhood access for Martial Cottle Park, and
- The *Santa Clara County Countywide Trails Master Plan Update* ("Countywide Trails Master Plan"), an element of the Parks and Recreation Section of the County General Plan that the Board of Supervisors adopted on November 14, 1995, relative to countywide trail routes, public access and regional parks.

Specifically, the County Parks Department is very concerned about the lack of information regarding the recorded easement on the subject property which has not been shown in the proposed development's site plans. The project application should have been deemed incomplete, and the County Parks Department requests that the City Planning Department defer this project from the November 3, 2010 Planning Commission meeting agenda until the County Parks Department agrees to the City and the Applicant's proposal for addressing the obligations related to the recorded easement for future neighborhood access to and from Martial Cottle Park.

**Section 1.0 Introduction and Purpose (page 1)**

The project description states: "relocate the existing park easement on APN 464-22-030 to APN 464-44-057." The County Parks Department objects to the IS/MND's inclusion of a proposed relocation of the existing park easement since the City of San Jose and the Applicant did not discuss this relocation proposal with the County prior to the release of the IS/MND. At this time, the County Parks Department does not agree to the proposed relocation of the recorded easement which is a perpetual non-exclusive easement on the subject property. This easement will allow: (a) vehicular (service/emergency), bicycle and pedestrian ingress/egress to Martial Cottle Park; and (b) construction and location of ancillary park improvements, such as, by way of example, an information kiosk, restrooms, waste collection or drinking fountains. This neighborhood access would serve the current and future residents in the nearby vicinity and provide a pedestrian and bicycle access to Martial Cottle Park.

Attached is a copy of the Easement Agreement (Recorder Document # 19589655), recorded on 9/18/2007 to accommodate future neighborhood access to and from Martial Cottle Park via Highway 85 to nearby residences. Also attached for your convenience is a plat of the easement prepared by the County Surveyor. The County Parks Department met with the applicant Vince Cantore on May 14, 2010 to review SummerHill Homes' April 9, 2010 General Development Plan and Conceptual Site Plan, and at that time informed Mr. Cantore that the location of the recorded easement was not shown in the plans. At the October 13, 2010 community meeting about the proposed development, SummerHill Homes presented another version of the development plans which also does not identify the location of the recorded easement on the subject property or proposed improvements associated with this easement obligation. The County Parks Department has communicated with the City and the Applicant the need to discuss the legal obligations related to the County's easement prior to project consideration by the Planning Commission and the City Council.

The IS/MND does not adequately address how the City and the Applicant would fulfill the legal obligation related to the easement on the property and discuss the impacts to Martial Cottle Park with alternate means of fulfilling this easement obligation. The proposed site plan fails to show the recorded easement. In addition, the City and Applicant has shared an incomplete site plan with the community, which should not be forwarded to the scheduled November 3, 2010 Planning Commission meeting for Commission consideration until it is revised with the recorded easement.

The County Parks Department requests that the recorded easement be identified in all of the development plans for consideration by the Planning Commission and City Council, including the tentative map before it is recorded.

**Biological Resources****4.4.2.2 Ordinance Size Trees (page 45)**

The IS/MND includes mitigation measures for tree replacement and allows either non-native or native trees to be planted (with a higher ratio for native). The City of San Jose should specify a requirement that a certain percentage of tree replacement be native if non-native species were permitted.

**Cultural Resources****4.5.1.1 Prehistoric and Historic Archaeological Resources (page 48)**

The IS/MND states that "there is an archaeological site (Sc1-295) located northwest of the project site inside the current highway right-of-way. Sc1-295 consists of a village that was located inside the

riparian zone of Canoas Creek.” Per the Northwest Information Center records, the archaeological site should be correctly cited as CA-SCL-295.

### **Greenhouse Gas Emissions**

#### ***4.7.2.1 Measures to Reduce Greenhouse Gas Emissions (page 60)***

The IS/MND should also include other measures to reduce greenhouse gas emissions including:

- The use of local building materials when feasible.
- Recycle at least 50% of the construction waste.
- Install other water saving devices such as low flow toilets and faucets in the proposed residences.

#### ***4.7.2.1. Estimated Generated Greenhouse Gas Emissions (page 61)***

Sentence should read: “the following best management practices outlined in Section 4.3 Air Quality are proposed to reduce the project’s ~~reduce~~ air quality impacts, as well as greenhouse gas emissions, during construction.”

### **Public Services**

#### ***4.14.1.6 Parks (page 106)***

The IS/MND states “Note that there is an over 280-acre park (Martial Cottle Park Master Plan) proposed north of the project site, north of Highway 85. The Martial Cottle Park Master Plan is currently in the planning process.” Martial Cottle Park, a State-owned and County-owned park, is approximately 287.54 acres and is designated a park by grant deed (not proposed). The Martial Cottle Park State Park General Plan/County Park Master Plan (“Park Plan”) is scheduled for completion and approvals by early 2011. Future neighborhood access to and from Martial Cottle Park will be provided via an easement that was granted to the County on the subject property. The IS/MND should describe this easement and future neighborhood access to and from this subject property as part of the public facilities provided. The fact that the County Parks Department has a recorded easement beneath the proposed project area should be clearly stated in the IS/MND. It should be clarified that the current land entitlement (County’s easement) would prevent implementation of any construction activity within the easement area.

#### ***4.14.2.4 Parks (page 108)***

The IS/MND states “It is possible that a future park trail could be constructed to connect the project area located south of Highway 85 to the planned Martial Cottle park located north of Highway 85. This trail alignment could extend from Martial Cottle park underneath Highway 85 (Highway 85 is elevated at this location), and through the northwestern portion of the site to Cahalan Avenue. This park trail is not currently proposed by the project or by others. As part of the project however, the existing park easement on APN 464-22-030 would be relocated to APN 464-44-057 to allow for the construction of a park trail segment that could extend from the northwestern corner of the site to Cahalan Avenue.”

As noted previously in this comment letter, there is a recorded easement on APN 464-22-030 which would allow for future pedestrian/bicycle access from the future Martial Cottle Park to the surrounding neighborhoods. See earlier discussion under Section One, Introduction and Purpose.

## Recreation

### 4.15.2 Environmental Checklist and Discussion of Impacts (page 111)

The IS/MND states "it is possible that a future park trail could be constructed to connect the project area located south of Highway 85 to the planned Martial Cottle park located north of Highway 85 (Highway 85 is elevated at this location), and through the northwestern portion of the site to Cahalan Avenue. This park trail is not currently proposed by the project or by others. As part of the project, however, the existing park easement on APN 464-22-030 would be relocated to APN 464-44-057 to allow for the construction of a park trail segment that could extend from the northwestern corner of the site to Cahalan Avenue."

At this time, the County Parks Department does not agree to the proposed relocation of the recorded easement which is a perpetual non-exclusive easement on the subject property. The IS/MND does not adequately address how the City and the Applicant would fulfill the legal obligation related to the easement on the property and discuss the recreational impacts to Martial Cottle Park with alternate means of fulfilling this easement obligation. The future pedestrian undercrossing beneath Highway 85 to the future access provided by the recorded easement is discussed in the Draft Final Park Plan for Martial Cottle Park. The Park Plan identifies the following recommendations for this future neighborhood access:

- CIRC.8 Work with the City of San Jose and the VTA to provide multiple points of walk-in entry and crosswalks for pedestrians and bicyclists to facilitate access to the Park from surrounding neighborhoods and regional transit.
- CIRC.11 Work with the VTA and CALTRANS to develop access beneath Highway 85 to surrounding neighborhoods near Blossom Hill Road.
- CIRC. 17 Work with the City of San Jose to provide safe and comfortable pedestrian and bicycle crossings at all intersections leading to the park.

For additional information on the Draft Final Park Plan, please visit the County Parks Department's website at [www.parkhere.org](http://www.parkhere.org) for the "Martial Cottle Park Master Plan Project."

To address the recorded easement and discuss the future neighborhood access, the County Parks Department expects that a meeting would be scheduled with the City of San Jose Planning Department, Parks, Recreation and Neighborhood Services Department and the applicant.

Thank you for the opportunity to comment on the preparation of the IS/MND for the Summer Hill Homes Development project. If you have any questions regarding these comments, please feel free to contact Senior Planner Jane Mark at (408) 355-2237, or email Jane at [Jane.Mark@prk.sccgov.org](mailto:Jane.Mark@prk.sccgov.org).

Sincerely,



Julie Mark  
Acting Director

cc: Jim O'Connor, Deputy Director, Operations & Maintenance  
Jane Mark, AICP, Senior Planner

Tim Heffington, Senior Real Estate Agent  
Kimberly Brosseau, Park Planner  
Matt Cano, City of San Jose Parks, Recreation & Neighborhood Services  
Yves Zsutty, City of San Jose Parks, Recreation & Neighborhood Services  
Glenn Rock, City of San Jose Public Works Department

**Attachment:** Recorded Easement Agreement on Mr. Lester's property (9/18/2007)